

ORIGINAL

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 27 2020 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X
ARLENE JOYCE FURFERO,

Civil Action No.
20-CV-2395 (BMC)(LB)

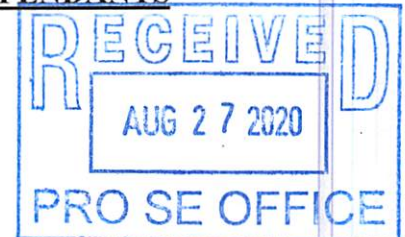
Plaintiff,

-against-

ST. JOHN'S UNIVERSITY, CONRADO "BOBBY"
GEPMESAW, SIMON MOLLER, NOREAN SHARPE,
CHARLES CLARK, JOSEPH OLIVA, JOSHUA HURWIT,
NADA LLEWELLYN, KEATON WONG, MICHELLE
CADLE, and DANIELLE HAYNES,

Defendants.
-----X

AFFIRMATION
OF MAILING OF
MAGISTRATE JUDGE
LOIS BLOOM'S ORDER
TO DEFENDANTS



I, A. JOYCE FURFERO, affirm the following statements to be true under the penalties of perjury:

1. I am the pro se Plaintiff in this matter.
2. On or about June 8, 2020, I received the official summons and complaint from the Eastern District Court Pro Se Office to be served on the Defendants.
3. I gave copies of the Summons and Complaint to a process server to serve on the Defendants.
4. The Defendants have been served.
5. In a separate mailing, I received an ORDER from United States Magistrate Judge Lois Bloom.
6. Magistrate Judge Bloom's ORDER says that I should include a copy of her ORDER with the Summonses and Complaints.
7. Having inadvertently failed to include Magistrate Judge Bloom's ORDER with the Summonses and Complaints, I called the Pro Se Office and asked what I should do.
8. The Pro Se Clerk advised me to mail a copy of Magistrate Judge Bloom's ORDER to each defendant and then to file an affirmation of mailing with the Court.
9. On Monday, August 24, 2020, I put copies of Magistrate Judge Bloom's ORDER into plain white envelopes and mailed one to each of the 11 defendants at the business address where s/he was served:

St. John's University
8000 Utopia Parkway
Jamaica, New York 11439

Dr. Conrado "Bobby" Gempesaw
St. John's University
Newman Hall 3rd floor
8000 Utopia Parkway
Jamaica, New York 11439

Dr. Simon Moller
St. John's University
Newman Hall Room 240
8000 Utopia Parkway
Jamaica, New York 11439

Joseph Oliva, Esq.
St. John's University
Newman Hall, Room 218
8000 Utopia Parkway
Jamaica, New York 11439

Joshua Hurwit, Esq.
St. John's University
Newman Hall Room 217A
8000 Utopia Parkway
Jamaica, New York 11439

Dr. Norean Sharpe
St. John's University
Bent Hall 3rd floor
8000 Utopia Parkway
Jamaica, New York 11439

Dr. Charles Clark
St. John's University
Bent Hall Room 343
8000 Utopia Parkway
Jamaica, New York 11439

Nada Llewellyn, Esq.
St. John's University
Newman Hall Room 214
8000 Utopia Parkway
Jamaica, New York 11439

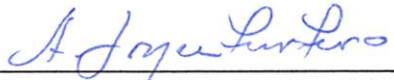
Keaton Wong
St. John's University
University Center
8000 Utopia Parkway
Jamaica, New York 11439

Danielle Haynes
St. John's University
University Center Rm C12
8000 Utopia Parkway
Jamaica, New York 11439

Michelle Cadle
St. John's University
University Center
8000 Utopia Parkway
Jamaica, New York 11439

10. Attached to my affirmation please find a copy of Magistrate Judge Bloom's ORDER and the post office receipt as proof of my mailing.

Dated: New Rochelle, New York
August 25, 2020


A. Joyce Furfero, Pro Se Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ARLENE JOYCE FURFERO,

Plaintiff,

-against-

ORDER
20 CV 2395 (BMC)(LB)

ST. JOHN'S UNIVERSITY, CONRADO "BOBBY"
GEMPESAW, SIMON MOLLER, NOREAN SHARPE,
CHARLES CLARK, JOSEPH OLIVA, JOSHUA HURWIT,
NADA LLEWELLYN, KEATON WONG, MICHELLE
CADLE, and DANIELLE HAYNES,

Defendants.
-----X

BLOOM, United States Magistrate Judge:

The Honorable Brian M. Cogan assigned this case to me for all pretrial purposes. Enclosed is a copy of the "Individual Practices of Magistrate Judge Lois Bloom." Plaintiff and defendants, alike, are required to follow these rules. Plaintiff is to provide a copy of this Order and the enclosed rules to defendants along with the summons and complaint.

Pro se plaintiff filed the complaint in this employment discrimination action on May 26, 2020, ECF No. 1, and the summonses were issued the same day, ECF No. 2. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Plaintiff shall have 90 days from the date of this Order to serve defendants and file proof of service with the Court. Accordingly, if proper service is not made upon defendants by September 1, 2020, or if plaintiff fails to show good cause why such service has not been effected by that date, it will be recommended that the Court should dismiss this action without prejudice.

Plaintiff is required to advise the Clerk of Court of any change of address. Failure to keep the Court informed of plaintiff's current address means the Court will not know where to contact

plaintiff and may result in dismissal of her case. For information regarding court procedures, plaintiff may contact the Pro Se Office at the United States Courthouse by calling (718) 613-2665.

Consent for Electronic Service

Plaintiff may choose to receive electronic notification of court issued filings in this civil case. By registering for electronic notification plaintiff will be waiving the right to receive service of court issued documents such as notices, decisions, opinions, memoranda & orders, orders, judgments and appeal instructions in paper form by mail. Instead, plaintiff will be sent notices of electronic filing via e-mail. Because plaintiff will be receiving court-issued documents only in electronic form, plaintiff must maintain a valid email address and regularly check email. For more information and for eligibility criteria, please review the enclosed "Instructions for Pro Se Registration and Consent for Electronic Service of Orders and Notices Issued by the Court in Civil Cases." If plaintiff is eligible and wishes to receive electronic notification of court issued documents, plaintiff should complete the attached Registration and Consent form and return the form to the Court.¹ Plaintiff is advised that even if she chooses to receive electronic notifications in this action, she is still required to advise the Court of any change to her mailing address.

SO ORDERED.

_____/S/
LOIS BLOOM
United States Magistrate Judge

Dated: June 3, 2020
Brooklyn, New York

¹ If plaintiff has more than one action pending before the Court, plaintiff must complete a separate Registration and Consent form for each case in which plaintiff wants to receive electronic notifications. Additional copies of the form are available on the Court's website: www.nyed.uscourts.gov/forms/all-forms/prose_forms.

INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE LOIS BLOOM

United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201
718-613-2170

Unless otherwise ordered, matters before Magistrate Judge Bloom shall be conducted in accordance with the following practices:

1. Communications with Chambers

- A. **Letters.** Except as provided below, communications with Chambers shall be by letter, with copies simultaneously delivered to all parties. The Court will not consider any *ex parte* correspondence; in other words, the Court will not consider any correspondence which has not been served upon the opposing party.

All letters from counsel shall be filed electronically. If a party's submission exceeds 25 pages, courtesy copies shall be served on the Court within 24-hours of electronic filing.

Copies of correspondence **between parties** should **not** be sent to the Court.

- B. **Telephone Calls.** Telephone calls to Chambers are permitted only in emergency situations requiring immediate attention, such as when a ruling is needed during the course of a deposition where all parties are on the line. Adjournment requests shall not be made telephonically.

For case related questions including deadlines and confirmation of conference dates, counsel shall review the docket sheet. Counsel may call (718) 613-2610 for Electronic Case Filing (ECF) assistance if required.

- C. **Faxes.** Faxes to Chambers are not permitted without prior authorization.

2. ECF

- A. *Pro se* parties are automatically exempt from mandatory electronic filing. However, parties represented by counsel in *pro se* cases must file all submissions electronically and mail the submission to the *pro se* litigant.
- B. Attorneys shall register to receive ECF notifications before filing any letters or motions and shall file a notice of appearance prior to appearing in Court. Refer to Local Rule 5.2 for further instruction.
- C. Parties should not send hard copies or courtesy copies to Chambers unless requested to do so.

3. Requests for Adjournments or Extensions of Time

Parties must contact each other before making any request for an adjournment to the Court, even where one party appears *pro se*. All requests for adjournments or extensions of time must be **received** in writing at least 48 hours before the scheduled conference or relevant deadline and must state: the original date of the conference or deadline; the reason for the request; the number of previous requests for an adjournment or extension; whether previous requests were granted or denied; and whether the opposing party consents to the request (and, if not, the reasons given by the opposing party for refusing to consent). If the requested adjournment or extension affects any other scheduled dates, the party must propose a revised schedule. For parties represented by counsel, the letter request should be filed under "MOTION" on the ECF list of civil events.

4. Conferences

When both parties are represented, counsel shall meet to discuss the case at least 14 days before an initial conference is held. Counsel for both sides shall discuss the basis for their claims and defenses, the possibility for a prompt settlement, and a proposed discovery plan. Counsel shall reference the Rule 26(f) Meeting Report (<https://www.nyed.uscourts.gov/content/magistrate-judge-lois-bloom>) and submit a joint report to the Court by ECF seven (7) days before the initial conference.

Counsel and *pro se* litigants alike shall timely appear for all pre-trial conferences. They shall be prepared to discuss the case, including possible settlement, and to schedule further proceedings.

5. Motions

- A. **Discovery Motions:** Discovery motions may be made by letter motion, pursuant to Local Civil Rules 37.1 and 37.3, and filed electronically as a "MOTION." No pre-motion conference is required. Such letter motions may not exceed three pages in length, exclusive of attachments. The nonmoving party shall file a response, not exceeding three pages in length exclusive of attachments, within three business days of receipt of the letter motion. Replies are not permitted on letter motions. Parties must make a good faith effort, pursuant to Local Civil Rule 26.5, to resolve disputes, including contacting the other side, **before** making a discovery motion. *Courtesy copies must be submitted to the Court on any submission over 25 pages.*
- B. **Dispositive Motions:** Dispositive motions, such as motions to dismiss and motions for summary judgment, must be made to the presiding district court judge, in accordance with his or her individual rules, unless the parties have consented to the Magistrate Judge for all purposes in accordance with 28 U.S.C. § 636(c)(1).
- C. **Motions Implicating Fed. R. App. P. 4(a)(4)(A) or Similar Time-Limiting Rules:** If any party concludes in good faith that delaying the filing of a motion, in order to comply with any aspect of these individual practices, will deprive the party of a substantive right, the party may file the motion within the time required by the Federal Rules of Civil and/or Appellate Procedure, together with an explanation of the basis for the conclusion.

6. Deposition Disputes

When a dispute arises during a deposition that the parties cannot resolve themselves despite their efforts, the parties shall contact the Court immediately by telephone. If the Court is unable to immediately come on the line, the parties shall have the court reporter mark the transcript where the dispute arose and the parties should move on to other issues in the deposition until such time as the Court can call back to address the dispute. The parties shall not discontinue the deposition.

7. Interpreter Services

Interpreter services are not provided by the Court in civil cases, except where American Sign Language interpretation is required. If a party speaks a language other than English, the party must arrange to conduct his/her case in English. If a non-English speaking party represented by an attorney is ordered to appear for a court conference, he/she must bring a professional interpreter if translation services are needed. A *pro se* party may bring an English-speaking friend or family member to court conferences. However, persons acting as interpreters must translate exactly what is said; they may not advocate for the party.

8. Change of Address

Parties shall notify the Court if their current address and telephone number changes. If a party changes address, he/she shall immediately notify the Court and the opposing party in writing. If a party fails to keep the Court apprised of his/her current address, the case may be dismissed.

9. Joint Pre-Trial Orders in Civil Cases

In civil cases to be tried before Judge Bloom on consent, the parties shall prepare and file a proposed Joint Pre-Trial Order ("JPTO") within sixty (60) days after the discovery deadline, unless otherwise ordered by the Court. The JPTO shall include:

- i. The full caption of the action.
- ii. The names and addresses (including firm names, telephone, fax numbers and e-mail addresses) of counsel who will try the case.
- iii. A brief statement by plaintiff as to the basis of subject matter jurisdiction and a brief statement by each other party as to the presence or absence of subject matter jurisdiction. Such statements shall include citations to all statutes relied on and relevant facts as to citizenship and jurisdictional amount.
- iv. A brief summary by each party of the claims and defenses that party has asserted that remain to be tried, without recital of evidentiary matter, but including citations to all statutes relied on.

- v. A statement by each party as to whether the case is to be tried with or without a jury, and the number of trial days needed. Any stipulations or agreed statements of fact or law by the parties.
- vi. A list of the names and addresses of all witnesses, including possible witnesses who will be called only for impeachment or rebuttal purposes and so designated together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except when prompt notice has been given and good cause shown.
- vii. A designation by each party of those portions of any deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- viii. A list by each party of exhibits to be offered in its case in chief. Parties are expected to resolve all issues of authenticity, chain of custody, and related grounds before trial.
- ix. All exhibits must be pre-marked for trial and exchanged with the other parties at least ten days before trial, or sooner if so directed by the Court. Exhibits should be placed in binders with tabs, and two copies must be provided to the Court.
- x. Motions *in limine*, including but not limited to motions regarding *Daubert* or privilege contentions, must be identified and briefly summarized in the pretrial order.

10. Filings Prior to Trial in Civil Cases

Unless otherwise ordered by the Court, the parties shall file the following at least 25 days before the date that trial is scheduled to begin:

- i. Motions addressing any evidentiary or other issues which should be resolved *in limine*;
 - a. Any opposition shall be due seven days after the motion is filed.
 - b. Any reply shall be due three days after the opposition is filed.
 - c. Thus, any motions *in limine* shall be **fully-briefed at least 15 days before trial.**
- ii. By claim, a detailed statement regarding damages and other relief sought;
- iii. Requests to charge and proposed *voir-dire* questions. Routine questions are not necessary. Requests to charge should be limited to the elements of the claims, the damages sought, and defenses; and
- iv. If a party believes it would be useful, a pre-trial memorandum.



HEATHCOTE
1112 WILMOT RD
SCARSDALE, NY 10583-6860
(800)275-8777

08/24/2020

04:57 PM

Product	Qty	Unit Price	Price
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1		\$0.70
Total			\$0.70

First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1	\$0.70
Total		\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1	\$0.70
Total		\$0.70
First-Class Mail® Letter Jamaica, NY 11439 Weight:0 Lb 1.20 Oz Estimated Delivery Date Thursday 08/27/2020	1	\$0.70
Total		\$0.70
Grand Total:		\$7.70

Credit Card Remitd \$7.70
Card Name:Discover
Account #:XXXXXXXXXX0581
Approval #:02428R
Transaction #:971
AID:A0000001523010 Chip
AL:Discover
PIN:Not Required

Due to limited transportation availability as a result of nationwide COVID-19 impacts package delivery times may be extended. Priority Mail Express® service will not change.

In a hurry? Self-service kiosks offer quick and easy check-out. Any Retail Associate can show you how.

Preview your Mail
Track your Packages
Sign up for FREE @
www.informedelivery.com

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>

840-5105-0056-003-00034-45147-02

or scan this code with
your mobile device:



PRESS FIRMLY TO SEAL



PRESS

U.S. POSTAGE
PM 135DALE, NY
10583
AUG 25, 20
AMOUNT
\$7.75
R2304M111294-25

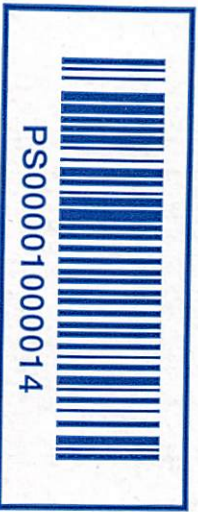
UNITED STATES
POSTAL SERVICE® | **PRIORITY®**
MAIL

- Expected delivery date specified for domestic use.
- Most domestic shipments include up to \$50 of insurance (restrictions apply).*
- USPS Tracking® included for domestic and many international destinations.
- Limited international insurance.**
- When used internationally, a customs declaration form is required.

*Insurance does not cover certain items. For Domestic Mail Manual at <http://pe.usps.com>.
** See International Mail Manual at <http://pe.l>

FLAT RATE ENVELOPE
ONE RATE ■ ANY WEIGHT

TRACKED ■ INSURANCE



PS00001000014



USPS TRACKING® NUMBER
EXPECTED DELIVERY DAY: 08/26/20



USPS.COM/PICKUP

Schedule free Package Pickup, scan the QR code.

TO:

FROM: ALLEN JOYCE FURBERO
1373 WENNER ST.
SCARSDALE, N.Y. 10583-7053

ATTN: PRO SE OFFICE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLAZA EAST
BRACKLYN, NEW YORK 11201